

# **FISCAL NOTE**

## **SB 2482 - HB 3297**

February 27, 2004

**SUMMARY OF BILL:** Provides that violations involving methamphetamine shall be punished one classification higher if any of the following conditions are met:

- Firearm was found on the premises
- Possession, transportation, or disposal of materials involved in the manufacture of an illegal controlled substance that created a substantial risk to human health, safety, and danger to the environment;
- Person under 13 years of age was present during the manufacture process;
- Manufacturing of the substance was to take place or did take place within 500 feet of a residence, place of business, church, or school;

The bill also provides the following:

- Creates a Class E felony to possess or convey any substance with the intent to use in the manufacture of a Schedule I or a Schedule II controlled substance.
- Creates a Class D felony for any person to possess ephedrine or pseudoephedrine with intent to manufacture amphetamine, methamphetamine, or any of their analogs.
- Creates a Class D felony for the offense of criminal exposure to drug trafficking for any person who manufactures, delivers, or sells a Schedule I or Schedule II controlled substance, if at the time, the person was accompanied by a child under 13 years of age.
- Provides that it is prima facie evidence of intent to manufacture amphetamine or methamphetamine for a person to possess more than 5 grams of ephedrine or more than 9 grams of pseudoephedrine in combination of two or more objects that constitute drug paraphernalia. Violations will be punished as a Class C felony;
- Provides that it is an offense for any person to use, or possess with the intent to use, two or more objects that constitute drug paraphernalia in combination with each other to manufacture, compound, produce, test or analyze amphetamine or methamphetamine or any of their analogs. Violations of this provision will be a Class D felony unless it occurs on property open to the public for lodging, then it is a Class C felony.

### **ESTIMATED FISCAL IMPACT:**

**Increase State Expenditures - \$ 8,248,100/Incarceration\***

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Assumes:

Convictions elevated one classification higher involving methamphetamine when other conditions are met:

- 21 offenders for firearm on premises;
- 225 offenders for possession, transportation, or disposal of material involved in methamphetamine manufacturing that created substantial risk to human health, safety and environment;
- 200 offenders for manufacture of methamphetamine with a person under 13 years of age present;
- 15 offenders for manufacture of methamphetamine within 500 feet of a residence, business, church or school.

Additional offenses involving methamphetamine:

- 10 offenders convicted of a Class E felony to possess or convey any substance with intent to use in the manufacture of Schedule I or Schedule II drugs;
- 5 offenders convicted of a Class D felony for possession of ephedrine or pseudoephedrine with intent to manufacture amphetamine, methamphetamine, or any analogs;
- 5 offenders convicted of a Class D felony for criminal exposure to drug trafficking involving Schedule I or Schedule II drugs if at any time person was accompanied by a child;
- 10 offenders convicted of a Class C felony for possession of more than 5 grams ephedrine or more than 9 grams of pseudoephedrine and two or more objects of drug paraphernalia;
- 8 offenders convicted of a Class D felony for possession of two or more objects that constitute drug paraphernalia use to manufacture, test, or analyze amphetamine, methamphetamine, or any analogs.
- 2 offenders convicted of Class C felony for the above offenses that occurred on property open to public for lodging.

*\*Section 9-4-210, TCA, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated for operating cost, in current dollars, shall be based upon the highest cost of the next 10 years, beginning with the year the additional sentence to be served impacts the correctional facilities population.*

## **CERTIFICATION:**

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "James W. White".

James W. White, Executive Director

